

DOCKET NO. 95-494-T - ORDER NO. 95-1387

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This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Jacqueline K. Ramsey DBA Action Cab (the Applicant) for a Class C Certificate of Public Convenience and Necessity to render motor passenger service as follows:

FROM: Greenville County, S.C.

RESTRICTED TO: 5 passengers.

On March 1, 1995, the Commission received a protest to the Application. The protest was submitted by Shirley F. Huckaby and Lark W. Creel DBA Best Cab Co. (Best Cab). By Order No. 95-574, dated March 17, 1995, the Commission granted a hearing on this Application and ordered that the letter of protest be treated as a Petition to Intervene thereby making the protesters intervenors in this proceeding.

A public hearing was noticed and held on July 13, 1995, in the Commission's hearing room. The Honorable Rudolph Mitchell, Chairman presided. The Applicant was represented by H. Michael

Spivey, Esquire. The Intervenor appeared pro se. The Commission Staff was represented by Florence P. Belser, Staff Counsel.

The Applicant testified in support of her Application. Mrs. Ramsey testified that she believes that she is fit, willing, and able to appropriately perform taxi services in Greenville County. Mrs. Ramsey stated that she has suitable equipment to perform the services, that she has sufficient insurance, and that she is aware of the Commission's Rules and Regulations governing for-hire motor carrier operations in South Carolina. Mrs. Ramsey stated that she had a Certificate of Public Convenience and Necessity from this Commission to operate her taxi business but that she encountered some financial difficulties and let her insurance lapse. Mrs. Ramsey testified that she has years of experience from working in the taxi business in the Washington, D.C. area and that she has been in the Conestee/Golden Strip area of Greenville County for approximately five (5) years. According to Mrs. Ramsey, there exists sufficient business in the Conestee/Golden Strip area to support three cab businesses and further that she has a regular clientele that depends upon her taxi service. Mrs. Ramsey admitted that she has has some irregularities in her operation but stated that she intends to abide by the Commission's Rules and Regulations.

The Intervenor testified that Mrs. Ramsey has been operating in the Conestee area without authority. However, Mr. Creel admitted that there exists sufficient business in the area for these taxi businesses.

This matter is governed by S.C. Code Ann. Regs. 103-133 which states in relevant part:

An application for a certificate ...to operate as a common carrier by motor vehicle may be approved upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service, provided, however, if an intervenor shows or if the Commission determines that the public convenience and necessity is already being served, the Commission may deny the application.

The regulation goes on to set forth criteria for determining whether or not an applicant is fit, willing, and able to provide the service proposed.

Upon consideration of this matter, taking into account the application filed by the Applicant and the testimony from the hearing, the Commission finds that the Applicant has made an appropriate showing of being fit, willing, and able, and should be granted a Class C Certificate of Public Convenience and Necessity. The Applicant has demonstrated her fitness by (1) showing that there are no outstanding judgments against her and by (2) indicating familiarity with, and expressing a willingness to abide by, the Rules and Regulations governing for-hire motor carriers in South Carolina. Ableness is shown by the Applicant obtaining the necessary equipment and insurance to provide the service for which she is applying, and willingness is demonstrated by the submission of the application seeking the proper authority.

Furthermore, as the Intervenor has admitted that there is sufficient business in the area for the taxi services proposed herein, there has been no showing that the public convenience and

necessity is being served in this area. Therefore, the Commission finds and concludes that the granting of the Applicant's application is proper.

IT IS THEREFORE ORDERED THAT:

1. The Application of Jacqueline K. Ramsey DBA Action Cab for a Class C Certificate of Public Convenience and Necessity is hereby approved.

2. The Applicant file the proper license fees and other information required by S.C. Code Ann., §58-23-10 et seq. (1976), as amended, and by 26 S.C. Code Ann. Regs.103-100 through Regs.103-280 (1976), as amended, of the Commission's Rules and Regulations for Motor Carriers within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.


3. Upon compliance with S.C. Code Ann, §58-23-10, et seq. (1976), as amended, and the applicable provisions of 26 S.C. Code Ann. Regs.103-100 through Regs.103-280 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

4. Prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

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5. This Order shall remain in full force and effect until
further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)